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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,546	12/05/2003	Hisayoshi Tsubaki	2091-0302P	7320
2292 7590 09/25/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PETERSON, CHRISTOPHER K	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 09/25/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/727,546

Applicant(s)

TSUBAKI, HISAYOSHI

Examiner

Christopher K. Peterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/29/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

*June 29,*

The Amendment After Non-Final Rejection filed on ~~June 29,~~ 2007 has been received and made of record. Examiner notes that the Applicant has added new claim 18, which include limitations similar to those of claims 1 - 17. Claims 1 - 18 are pending in this application.

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

In regard to claims 1, 10 and 12, the Applicant has amended the claims to include the limitation "carrying a terminal device". The applicant argues that Moores (US Patent Pub. # 2004/0201738) does not teach the limitation "carrying a terminal device" (page 7 and 8). The Examiner agrees that Moores does not teach the limitation of a terminal device and a RFID tag as a sole terminal device, but the reference of Bridgelall (US Patent Pub. # 2002/0126013) does teach the limitation.

Specifically, noting the Bridgelall reference, Para 24 shows that a RFID tag which uses Bluetooth communications, such as a cell phone or a personal digital assistant (PDA's). For this reason, the Examiner believes that Bridgelall does teach the limitation of newly amended claims 1, 10, and 12, as will be set forth in further detail below. In regard to claims 2 – 9, 11, and 13 - 17, the Applicant has amended the claims as

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amended claims 1, 10, and 12. Therefore not the discussion above concerning the amended limitations of claims 1, 10, and 12.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 – 3, 5 – 10, 12 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moores (US Patent Pub. #2004/0201738) in view of Bridgelall (US Patent Pub. # 2002/0126013).

As to claim1, Moores teaches a

- an imaging means for photographing a subject (15) carrying a terminal device and for obtaining image data representing an image of the subject (Para20);
- a imaging device communication means (wireless LAN 34) to perform wireless data communication (Para 0023 – 0024 and 0034); and
- a control means (20) for controlling the drive of the imaging means (15) so that the imaging means (15) is driven to obtain the image data when terminal device carried by the subject (13) and the imaging communication means (34) have become able to communicate with each other, wherein the terminal device carried by the subject (13) comprises a display means for displaying the image data and an integrated subject communication

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means for wirelessly communicating data, wherein the data includes a unique identification code identifying the terminal device (Para 0047).

Moore's does not teach a terminal device. Bridgelall teaches a terminal device (PDA with a RFID tag) (Para 24). Moore's teaches a PDA (PDA 123) and a RFID tag (RFID tag 20), but not together as one device (Para 19 and 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a terminal device as taught by Bridgelall to the terminal device of Moore's, to provide an improved method and system for locating objects having either a data communications mobile unit or an RFID tag (Para 3 and 4).

As to claim 12, note the discussion above. Bridgelall teaches wherein the terminal device includes an integral terminal communicator to communicate a unique identification code to the controller when the terminal device is within the operative range of one or more cameras (Para 19).

As to claim 10, this claim refers to the limitation "terminal device" of claim 12. Thus claim 10 is analyzed as previously discussed with respect to claim 12.

As to claim 18, this claim refers to the limitation of 1, 10 and 12. Thus claim 18 is analyzed as previously discussed with respect to claims 1, 10, and 12.

As to claim 2, Moore's teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for recognizing the unique identification code that specifies the terminal device (of Bridgelall) carried by the subject to the image data (Para 0035).

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As to claim 3, Moores teaches the imaging device (15) as defined in claim 1, wherein the control means (20) is a means for further controlling drive of the imaging device communication means so that the imaging device (15) communication means transmits the image data obtained by the imaging means to the terminal device (of Bridgelall) (Para 0021 - 0022).

As to claim 5, Moores teaches the imaging device (15) as defined in claim 1, wherein the imaging device communication means (34) and the imaging means are arranged so that a data communication direction of the imaging device communication means and an imaging direction of the imaging means are substantially identical (Para 0024).

As to claim 6, Moores teaches the imaging device as defined in claim 5, wherein the imaging device communication means (34) and the imaging means are arranged so that the data communication range of the imaging device communication means is less than an imaging angle of view of the imaging means (Para 0024).

As to claim 7, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that photography is prohibited after a predetermined number of images have been photographed continuously (Para 0037).

As to claim 8, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that imaging is prohibited for a predetermined time after photography (Para 0036).

As to claim 9, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that the imaging means (15) performs photography only when the terminal device (123) gives an instruction to perform photography (Para 0024). Moores teaches a button or a switch be provided. A PDA has multiple switches and buttons that could perform this function.

As to claim 13, Moores teaches the imaging system as defined in claim 12, comprising: a plurality of the imaging devices (15) of which imaging ranges overlap, wherein the control means (20) in each of the imaging devices (15) is a means for controlling the drive of the imaging device communication means and the imaging means so that when all the plurality of the imaging devices have become able to communicate data with the terminal device, the imaging means in the plurality of the imaging devices photograph respectively (Para 0045).

As to claim 14, Moores teaches the imaging system as defined in claim 12, further comprising: an image server (21) for storing the images (26) obtained by the one or more cameras (Para 0025).

As to claim 15, Moores teaches the imaging system as defined in claim 12, further comprising: a printer (Kiosk 125) for printing out the image data obtained by the imaging device (Para 0022).

As to claim 16, Moores teaches the imaging system as defined in claim 15, wherein the printer only prints out the image data for which an instruction to print has been issued (Para 0022).

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As to claim 17, Moores teaches the imaging system as defined in claim 16, wherein the instruction to print can be issued at the terminal device (of Bridgelall) (Para 0022).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moores (US Patent Pub. #2004/0201738) in view of Bridgelall (US Patent Pub. # 2002/0126013) as applied to claim 3 above, and further in view of Muroya (US Patent Pub. # 2004/0148404).

As to claim 4, Moores in view of Bridgelall teaches the limitation “ image data”. Moores in view of Bridgelall does not teach small capacity image data. Muroya teaches the control means is a means for generating small capacity image data of which data volume is less than the image data and transmitting the small capacity image data (thumbnails) to the terminal device (10) instead of the image data (Para 0095 – 0096).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided small capacity image data taught by Muroya to the image data of Moores in view of Bridgelall, because the use of small capacity image data would reduce the power consumption and requires less bandwidth (Para 0037).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moores (US Patent Pub. #2004/0201738) in view of Bridgelall (US Patent Pub. # 2002/0126013) as applied to claim 10 above, and further in view of Zeps (US Patent # 6937154).



As to claim 11, Moores in view of Bridgelall teaches the limitation "terminal device". Moores in view of Bridgelall does not teach the terminal device informing the subject that an image will be photographed and/or photography has been finished. Zeps (see fig. 1) teaches the terminal device (mobile device 31) as defined in claim 10, further comprising: an informing means for informing the subject that the subject wireless communication means has become able to communicate data with the imaging device wireless communication means, an image will be photographed and/or photography has been finished (Col. 4, lines 24 – 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the terminal device informing the subject that an image will be photographed and/or photography has been finished by Zeps to the terminal device of Moores in view of Bridgelall, because the use of a terminal device informing the subject that an image will be photographed and/or photography has been finished would make a more automated, efficient and reliable system for the subject (Col. 1, lines 31 – 39).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Squilla (US Patent Pub. # 2002/0030745) cites photographic system for enabling interactive communication between a camera and an attraction site.

### ***Inquiries***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Peterson whose telephone number is 571-270-1704. The examiner can normally be reached on Monday - Friday 6:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP  
14 Sept 2007



NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER